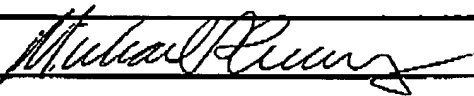


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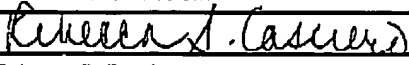
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|---|----------------------|------------------------|--|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/729,232 | RECEIVED CENTRAL FAX CENTER JUN 16 2005 |
| | Filing Date | 12/05/2003 | |
| | First Named Inventor | Roger Thomas | |
| | Art Unit | 3725 | |
| | Examiner Name | SELF, Shelley M. | |
| Total Number of Pages in This Submission | 3 | Attorney Docket Number | P-US-PR 1111 |

| ENCLOSURES (check all that apply) | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <div style="border: 1px solid black; padding: 2px;">Remarks</div> | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|--|----------|--------|
| Firm | Black & Decker | | |
| Signature |  | | |
| Printed Name | Michael P. Leary | | |
| Date | June 16, 2005 | Reg. No. | 41,144 |

CERTIFICATE OF TRANSMISSION/MAILING

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| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
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Appl. No. 10/729,232
Election dated June 16, 2005
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

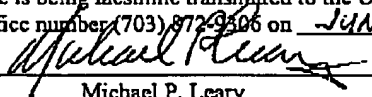
Appl. No. : 10/729,232 Confirmation No. 9216
Applicant : Roger Thomas
Filed : December 5, 2003
Title : Debris Collection System For A Planer

TC/A.U. : 3725
Examiner : SELF, Shelley M.

Docket No. : P-US-PR-1111

Commissioner of Patents
P.O. Box 1450
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ELECTION RESPONSIVE TO OFFICE ACTION

I, Michael P. Leary, PTO Reg. No. 41,144, hereby certify that this correspondence is being facsimile transmitted to the US Patent and Trademark Office number (703) 872-9306 on JUNE 16 2005

Michael P. Leary

Sir:

In the Action dated May 18, 2005, the Examiner required the election of one of the following species:

- Species of Figures 1-5
- Species of Figures 6-8
- Species of Figures 9-12
- Species of Figures 13-15
- Species of Figure 16
- Species of Figures 17 and 18

Applicants respectfully request that the Examiner reconsider the election requirement. As the Examiner has noted, Claim 1 is generic and is the only independent claim. Furthermore, the modifications to the basic planer design incorporated into the embodiments of Figs. 13-15, Fig. 16, and Fig. 17-18, should require minimal additional searching and analysis. Under the Patent Act and the rules of patent practice, if the search and examination of an entire application can be made without

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serious burden, the examiner must examine it on the merits, even though it may include claims to distinct or independent inventions. MPEP § 803.

Nevertheless, the Examiner has advised Applicant that a response to the restriction requirement must include an identification of the species that is elected, and a listing of all claims readable thereon. Therefore, the Applicant elects the Species of Figures 1-5. Claims 1, 3, and 5 read on the elected Species of Figs. 1-5.

Claim 2 reads on the Species of Figs. 13-15.
Claim 4 reads on the Species of Fig. 16.
Claims 6-13 read on the Species of Figs 17-18.

Respectfully submitted,



Michael P. Leary
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Attorney for Applicant(s)
June 16, 2005

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